

has happened in Iraq, in Operation Iraqi Freedom, and Afghanistan, we have now seen free and open elections in Afghanistan, and we have seen free and open elections in Iraq. We have seen an election take place in Saudi Arabia that were it not for the conflict in Iraq would never have happened. We have seen the people in Lebanon rise up against their Syrian invaders and put pressure on the Syrian Government to return that country to the people of Lebanon.

We have seen the Government of Libya turn over their nuclear weapons to the IAEA and to the United States for examination, to rid their country of the potential to have any nuclear weapons.

We have seen the leader of Egypt now proclaim he wants to see democratic elections in his country for the first time.

There are any number of instances that have occurred and are going to occur in the Middle East, a part of the world where violence has prevailed for decades, and where the terrorist community has trained and perpetuated itself for decades. Were it not for the vision of President Bush relative to the freedom of the Iraqi people, were it not for the support of Congress and the American people of that vision, and were it not for the strong leadership of our military, the strongest, greatest fighting force in the world, those events General Abizaid ticked off yesterday simply would not have happened.

If he had come in 12 months ago and said here is what is going to happen in the Middle East over the next year, no one would ever have believed that what he said would come to be true. The fact is it did. The fact is the people of Iraq are moving toward freedom and democracy. The fact is that now, after President Bush's highly successful trip to Europe, the Europeans have a better understanding of the importance of the transatlantic alliance working together to promote our president's vision of freedom throughout the world.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, I will take the remaining time on the Republican side. I thank my colleagues, Senator WARNER, Senator MCCONNELL, and Senator CHAMBLISS, for laying out the leadership our President has shown in going overseas, talking about our fight for freedom, and showing it is a fight for freedom for every country that has a democracy, and that it should also be a shared responsibility.

I appreciate the President's leadership and our Senators for talking about what is happening. It is incredible, the changes we are seeing in the world because of the President's steadfast determination that we are going to do the right thing, that America will be the banner of freedom throughout the world, and that we could use help from

our allies and hopefully they will understand and agree it is a shared responsibility for all the freedom-loving peoples of the world.

#### TEXAS INDEPENDENCE DAY

Mrs. HUTCHISON. Mr. President, I want to take a moment, as I do on March 2 every year since I have been in the Senate, and before me Senator John Tower did the same thing, to commemorate Texas Independence Day.

Today is, indeed, the 169th anniversary of the day when a solemn convention of 54 men in a small Texas settlement took a step which had a momentous impact, not only on Texas but on the future of the United States. These 54 men, including my great-great-grandfather Charles S. Taylor from the town of Nacogdoches, met on March 2, 1836. They were in Washington-on-the-Brazos and, after laying out the grievances they had with the Government of Mexico, they declared:

We therefore . . . do hereby resolve and declare . . . that the people of Texas do now constitute a free, sovereign and independent republic.

They brought the Lone Star Republic into existence with those words. At the time, Texas was a remote territory of Mexico. It was hospitable only to the bravest and most determined of settlers. While few of the men signing the declaration could have predicted Texas's future prosperity, they immediately embarked on drafting a constitution to establish foundations for this new republic.

The signers of the Texas declaration, as their forefathers who signed the American Declaration of Independence in 1776, risked their lives and families when they put pen to paper. They were considered traitors to Mexico because they were in a Mexican territory. But they were going to fight for freedom and independence.

My great-great-grandfather Charles S. Taylor didn't know it at the time, but all four of his children had died when he left home to go and sign the declaration of independence. His wife took the children in what is now called the "runaway scrape," when the women in the Nacogdoches territory took the children to flee from what they thought might be the oncoming Mexican army. In the "runaway scrape," many children died. They were fleeing to Louisiana at the time. But my great-great-grandmother had the same spunk and determination as my great-great-grandfather, so she returned to Nacogdoches and they had nine more children. That was one of the examples that was set by people of that time who believed freedom was worth fighting and dying to achieve.

They spent their last days in Texas, trying to build the Republic and eventually supporting the statehood of Texas coming into the United States of America.

While the convention met in Washington-on-the-Brazos, 6,000 Mexican

troops held the Alamo under siege, seeking to extinguish this newly created republic.

Several days earlier, from the Alamo, Col. William Barrett Travis sent his immortal letter to the people of Texas and to all Americans. He knew the Mexican Army was approaching and he knew that he had, really only a few men, under 200 men to help defend the San Antonio fortress. Colonel Travis wrote:

Fellow Citizens and Compatriots: I am besieged with a thousand or more of the Mexicans under Santa Anna. I have sustained a continual Bombardment and cannonade for 24 hours and have not lost a man. The enemy has demanded surrender at discretion, otherwise, the garrison is to be put to the sword, if the fort is taken. I have answered the demand with a cannon shot, and our flag still waves proudly over the wall. I shall never surrender or retreat.

Then I call on you in the name of Liberty, of patriotism, of everything dear to the American character, to come to our aid with all dispatch. The enemy is receiving reinforcements daily and will no doubt increase to three or four thousand in four or five days. If this call is neglected I am determined to sustain myself as long as possible and die like a soldier who never forgets what is due his honor and that of his country—Victory or Death.

No Texan—no person—can fail to be stirred by Colonel Travis' resolve in the face of such daunting odds.

Colonel Travis' dire prediction came true, 4,000 to 6,000 Mexican troops did lay siege to the Alamo. In the battle that followed, 184 brave men died in a heroic but vain attempt to fend off Santa Anna's overwhelming army. This battle, as all Texans know, was crucial to Texas independence because those heroes at the Alamo held out for so long that Santa Anna's forces were battered and diminished. Gen. Sam Houston gained the time he needed to devise a strategy to defeat Santa Anna at the Battle of San Jacinto a month or so later on April 21, 1836. That battle was won and the Lone Star was visible on the horizon at last.

Each year on March 2, there is a ceremony at Washington-on-the-Brazos State Park where there is a replica of the modest cabin where the 54 patriots pledged their lives, honor, and treasure for freedom.

Every year I honor the tradition Senator John Tower started by reading this incredible letter from the Alamo, written by William Barrett Travis, that showed so much about the kind of men who were willing to stand up and fight for freedom, men we have seen throughout the history of our country, starting in 1776 and going on. Even today, as we know, our young men are in Iraq and Afghanistan, fighting the war on terrorism.

I think it is important for us to remember our history. I am proud to be able to do it. We were a republic for 10 years before we entered the United States as a State. We are the only State to enter the United States as a republic, and we are very proud that we are now a great State, a part of the

United States of America, with a vivid history and past.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FEINGOLD. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

#### BANKRUPTCY ABUSE PREVENTION AND CONSUMER PROTECTION ACT OF 2005

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 256, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 256) to amend title 11 of the United States Code, and for other purposes.

Pending:

Feingold Amendment No. 17, to provide a homestead floor for the elderly.

Akaka Amendment No. 15, to require enhanced disclosure to consumers regarding the consequences of making only minimum required payments in the repayment of credit card debt.

Leahy Amendment No. 26, to restrict access to certain personal information in bankruptcy documents.

The PRESIDING OFFICER. Under the previous order, there will be 20 minutes of debate, equally divided, prior to a vote on amendment No. 17.

The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I appreciate this opportunity to speak further on my amendment which I offered yesterday. I urge my colleagues to support my senior homeowner protection amendment, amendment No. 17.

As I explained yesterday, my amendment would protect senior homeowners who need to file for bankruptcy relief. It would help to ensure that these older Americans do not have to lose their hard-earned homes in order to seek the protection of the bankruptcy system.

The homestead exemption in the bankruptcy laws is supposed to protect homeowners from having to give up their homes in order to seek bankruptcy relief. But in too many States, the homestead exemption is woefully inadequate. The value of this exemption varies widely from State to State. Federal law currently creates an alternative homestead exemption of just under \$20,000, but each State gets to decide whether it will allow its debtors to rely on this already low Federal alternative, and most do not. In many States, the amount of equity a homeowner can protect in bankruptcy has

lagged far behind the dramatic rise in home values in recent years. For example, in the State of Ohio the homestead exemption is only \$5,000, and in the State of North Carolina the homestead exemption is a mere \$10,000. Even for States that have no State exemption but allow debtors to use the \$20,000 Federal exemption, like New Jersey, the number is just too low in this age of rising housing costs.

My amendment would create a uniform Federal floor for homestead exemptions of \$75,000, applicable only to bankruptcy debtors over the age of 62. States could no longer impose lower exemptions on their seniors. If a State's exemption is higher than \$75,000, however, that exemption would still apply. My amendment creates a floor, not a ceiling.

Older Americans desperately need this protection. Americans over the age of 65 are the fastest-growing age group filing for bankruptcy protection. Job loss, medical expenses and other crises are wreaking havoc on the finances of our seniors. In the 1990s, the number of Americans 65 and older filing for bankruptcy tripled. They need our help.

Older Americans also are far more likely to have paid off their mortgages over decades of hard work, making the homestead exemption particularly important for them. In fact, more than 70 percent of homeowners age 65 and older own their homes free and clear. For these seniors, their home equity often represents nearly their entire life savings, and their home is often their only significant asset. That means seniors are hit hardest by the very low homestead exemptions in some states.

It has become apparent that when there is no substantive argument against a worthy amendment, we will hear arguments cautioning against the unraveling of delicate compromises and agreements. It has become a convenient and frequent refrain on the floor of the Senate, that amendments cannot be tolerated. That is very troubling, particularly because in the Judiciary Committee we were implored to hold our amendments for the floor and promised that supporters of the bill would work with us to try to resolve our concerns. There is a bait and switch going on here. Bills that come before this body are not sacrosanct. If there is a substantive argument to be made against my amendment, I am eager to hear it and debate it. But it is just not right to say that an amendment will be defeated because the bill must remain "clean" to pass.

It is especially wrong to make that argument when it is just not true. Some amendments might be termed poison pills, but that term does not apply to this amendment.

To be frank, my amendment simply has no bearing whatsoever on the other provision of the bill that addresses the homestead exemption—that is, the provision whose delicate balance we have been so strongly cautioned not to disrupt.

Section 322 of the bill addresses abuses resulting from the fact that some States have unlimited homestead exemptions. An agreement on that provision—often called the Kohl amendment after my senior colleague from Wisconsin, who led the fight against these abuses—was reached in the 2002 conference. Senators from the States that had unlimited homestead exemptions, such as Florida and Texas, objected strenuously to a Federal ceiling preempting their States' unlimited exemptions. They agreed to the provision only when it was modified to its current version, in which the Federal cap applies only to people engaging in fraud and people who purchase property shortly before filing for bankruptcy.

My amendment has no bearing whatsoever on that compromise deal. The Senators who initially objected to Senator Kohl's attempt to limit wealthy debtors' abuse of the homestead exemption are from States where the homestead exemption is already unlimited. In those States, my uniform Federal floor would have absolutely no effect. The unlimited exemption would still apply.

On the other side of the negotiations were people like Senator Kohl who were attempting to prevent wealthy debtors from abusing the homestead exemption by buying multi-million dollar mansions in States with unlimited homestead exemptions. I have not heard them object to giving seniors a uniform homestead exemption that is less than the Federal ceiling provided in Section 322. Once again, my amendment has absolutely no effect on the deal that was cut.

I would also point out that supporters of the bill are perfectly willing to override State decisions with regard to homestead exemptions in certain circumstances. This bill already requires that a Federal maximum exemption apply to prevent abuse by wealthy debtors seeking to hide their assets in a mansion and get rid of their debts through bankruptcy. Why can't we insist on a Federal floor to protect senior citizens? It makes no sense to suggest that this amendment violates State prerogatives on the homestead exemption since the bill already does just that.

So I am having a hard time figuring out who would object to my amendment, and what delicate compromise is going to be undone if my amendment passes. Is anyone going to stand on the floor of the Senate and defend the right of States to harm the elderly by forcing them to sell their homes in order to seek bankruptcy protection? Are we really going to take the States rights argument that far?

So my amendment has nothing to do with compromises already made in this bill. It would not unravel the bill, or upset the compromise on the homestead exemption. Now the credit card companies probably don't like this amendment because it will protect